

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>VINCENT HARVEY and</b>	:	
<b>RICHARD HAWKINS,</b>	:	
<b>Plaintiffs</b>	:	
	:	<b>No. 3:18-cv-939</b>
<b>v.</b>	:	
	:	<b>(Judge Rambo)</b>
<b>CO1 D. CLINE, <i>et al.</i>,</b>	:	
<b>Defendants</b>	:	

**ORDER**

**AND NOW**, on this 26th day of February 2021, for the reasons set forth in the Memorandum accompanying this Order, **IT IS ORDERED THAT:**

1. Defendants' motion for summary judgment (Doc. No. 75) is **GRANTED IN PART** and **DENIED IN PART**, as follows:
  - a. The motion (Doc. No. 75) is **GRANTED** with respect to: (1) Plaintiffs' § 1983 claims against Defendant DOC; (2) Plaintiffs' § 1983 claims against Defendant Ferguson; (3) Plaintiff Hawkins' § 1983 Eighth Amendment claims against Defendant Cline; (4) Plaintiffs' Fourteenth Amendment due process claims concerning the loss of property; and (4) Plaintiffs' § 1983 civil conspiracy claims against Defendants, and the Clerk of Court is directed to defer the entry of judgment in favor of Defendants on these claims until the conclusion of the above-captioned proceedings;
  - b. The motion (Doc. No. 75) is **DENIED WITHOUT PREJUDICE** with respect to (1) Plaintiffs' First Amendment retaliation claims; and (2) Plaintiffs' state law claims against Defendants;
  - c. The motion (Doc. No. 75) is **DENIED** with respect to Plaintiff Harvey's § 1983 Eighth Amendment claims regarding failure to protect and denial of medical care against Defendant Cline; and

2. Defendants may file, within thirty (30) days of the date of this Order, a second motion for summary judgment addressing Plaintiffs' First Amendment retaliation claims, as well as Plaintiff's state law claims against Defendants.

s/ Sylvia H. Rambo  
United States District Judge